

PATENT

- 1 -

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Jc986 U.S. PTO  
09/989223  
11/20/01

In re Patent Application of	)	Group Art Unit:
	)	
DAVID L. KELLY ET AL.	)	Examiner:
	)	
	)	
Non-Provisional Application Based on	)	<u>INFORMATION DISCLOSURE</u>
Provisional Application No. 60/300/890	)	<u>STATEMENT</u>
	)	
Filed: Herewith	)	P.O. Box 190187
	)	San Francisco, CA 94119-0187
For: VOID FORMING AND ANCHOR	)	(415) 369-7641
POSITIONING APPARATUS AND	)	
METHOD FOR CONCRETE	)	
STRUCTURES	)	

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicants submit herewith patents, publications or other information [attached hereto and listed on the attached Form PTO-1449 (modified)] of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR § 1.56.

This Information Disclosure Statement:

(a) ☒ accompanies the new patent application submitted herewith. 37 CFR § 1.97(a).

(b) ☐ is filed within three months after the filing date of the application or within three months after the date of entry of the national stage of a PCT application as set forth in 37 CFR § 1.491.

- (c) ☐ as far as is known to the undersigned, is filed before the mailing date of a first Office Action on the merits.
- (d) ☐ is filed after the first office action and more than three months after the application's filing date or PCT national stage date of entry filing but, as far as is known to the undersigned, prior to the mailing date of either a final rejection or a notice of allowance, whichever occurs first, and is accompanied by either the fee (\$240) set forth in 37 CFR § 1.17(p) or a certification as specified in 37 CFR § 1.97(e), as checked below.
- (e) ☐ is filed after the mailing date of either a final rejection or a notice of allowance, whichever occurred first, and the Issue Fee has not been paid, and is accompanied by the fee (\$130) set forth in 37 CFR § 1.17(i)(1) and a certification as specified in 37 CFR § 1.97(e), as checked below. This document is to be considered as a petition requesting consideration of the information disclosure statement.

[If either of boxes (d) or (e) are checked above, the following "certification" under 37 CFR § 1.97(e) may need to be completed.] The undersigned certifies that:

- (f) ☐ Each item of information contained in the information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- (g) ☐ No item of information contained in this information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this information disclosure statement.

A list of the patent(s) or publication(s) is set forth on the attached Form PTO-1449 (Modified).

A copy of the items on PTO-1449 (Modified) is supplied herewith:

(h) ☒ each (i) ☐ none (j) ☐ only those listed below:

Those patent(s) or publication(s) which are marked with an asterisk (\*) in the attached form PTO-1449 (Modified) are not supplied because they were previously cited by or submitted to the Office in a prior application no. , filed and relied upon in this application for an earlier filing date under 35 U.S.C. § 120.

A concise explanation of relevance of the items listed on form PTO-1449 (Modified) is:

- (k) ☒ not given
- (l) ☐ given for each listed item
- (m) ☐ given for only non-English language listed item(s)  
[Required]
- (n) ☐ given in the form of an English language copy of a Notification of Transmittal of the International Search Report or the Declaration, issued in a counterpart PCT application, which refers to the relevant portions of certain of the references [copy attached].

The Examiner is reminded that a "concise explanation of the relevance" of the submitted items "may be nothing more than identification of the particular figure or paragraph of the patent or publication which has some relation to the claimed invention," MPEP § 609.

While the information and references disclosed in this Information Disclosure Statement may be "material" pursuant to 37 CFR § 1.56, it is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

In accordance with 37 CFR § 1.97(g), the filing of this Information


Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR § 1.56(a) exists. It is submitted that the Information Disclosure Statement is in compliance with 37 CFR § 1.98 and MPEP § 609 and the Examiner is respectfully requested to consider the listed references.

[x] The Commissioner is hereby authorized to charge our Deposit Account No. 50-0918 for any fees required in connection with the filing of this Information Disclosure Statement. **A duplicate copy of this Notice is enclosed for this purpose.** In particular, in the event that an Office Action has crossed in the mail with this Information Disclosure Statement, the Commissioner is authorized to charge the above-named deposit account for any fees required pursuant to CFR §§ 1.17(p) or 1.17(i)(1).

Respectfully submitted,

THELEN REID & PRIEST LLP

Dated: 11/19/01

By   
John K. Uilkema  
Reg. No. 20,282  
Tel. No. 415-39-7641

Our File: 032885-71

FORM PTO-1449 (Modified) (Rev. 7-80)		U.S. Dept. of Commerce Patent and Trademark Office		Atty. Docket No. 032885-71		Non-Prov. Appln. Based on Prov. Appln. No. 60/300,890	
INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)							
				Applicant(s) David L. Kelly, et al.			
				Filing Date		Group	
U.S. PATENT DOCUMENTS							
*Examiner Initials		Document Number	Date	Name	Class	Subclass	Filing Date
	AA	4,087,947	05/09/78	Turner	52	125	09/15/76
	AB	4,296,909	10/27/81	Hacussler	249	94	09/03/80
	AC	4,383,674	05/17/83	Fricker	249	177	10/05/81
	AD	4,726,562	02/23/88	Courtois et al.	249	91	07/22/86
	AE	4,807,843	02/28/89	Courtois et al.	249	61	12/09/87
	AF	4,821,994	04/18/89	Fricker	249	91	09/01/87
	AG	4,930,269	06/05/90	Kelly et al.	52	125	03/22/89
	AH	5,004,208	04/02/91	Domizio	249	91	01/25/90
	AI	5,014,473	05/14/91	Kelly et al.	52	125	02/20/90
	AJ	5,094,047	03/10/92	Kelly et al.	52	125	09/20/90
	AK	5,535,979	07/16/96	Ellis-Callow	249	94	05/06/94
	AL	5,651,911	07/29/97	Pennypacker	249	94	11/02/95
	AM	6,082,700	07/04/00	Lancelot, III et al.	249	91	12/17/98
FOREIGN PATENT DOCUMENTS							
*Examiner Initials		Document Number	Date	Country	Class	Subclass	Translation YES      NO
OTHER DOCUMENTS							
	AN	Dayton Superior, Precast-Prestressed Concrete Handbook, 1986, pp. 35-39					
	AO	Dayton Superior, Tilt-Up Construction Handbook, 1990, pp; 12-14, 3035					
	AP	Burke Super-Lift/III Tilt-Up System Load Data Pamphlet					
Examiner					Date Considered		
<p>* Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>							

JC986 U.S. PTO  
 09/989223  
 11/20/01